

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

GLOBAL TOWER, LLC,

Plaintiff,

v.

HAMILTON TOWNSHIP, and ZONING
HEARING BOARD OF HAMILTON
TOWNSHIP

Defendants.

CIVIL ACTION NO. 3:CV-10-1705

(JUDGE CAPUTO)

(MAGISTRATE JUDGE METHVIN)

ORDER

NOW, this 14th day of September, 2012, **IT IS HEREBY ORDERED** that Magistrate Judge Methvin's Report and Recommendation (Doc. 37) on Plaintiff Global Tower, LLC's Motion for Summary Judgment (Doc. 22) and Defendants Hamilton Township and the Zoning Hearing Board of Hamilton Township's Motion for Summary Judgment (Doc. 19) is **ADOPTED**.

- (1) Defendants Hamilton Township and the Zoning Hearing Board of Hamilton Township's Motion for Summary Judgment (Doc. 19) is **DENIED**.
- (2) Global Tower, LLC's Motion for Summary Judgment (Doc. 22) is **GRANTED**.
- (3) Defendant Zoning Hearing Board of Hamilton Township **shall grant** the Application of Plaintiff Global Tower, LLC for special use to erect a 250-foot tall, three legged, lattice-type tower on the property of Lloyd J. and Shirley M. Singer located on Pensyl Creek Road in Hamilton Township, Monroe County, Pennsylvania.
- (4) Defendants **shall issue** all necessary zoning and building permits as proposed in Global Tower, LLC's special use Application as expeditiously as possible after Global Tower, LLC submits the required application and plans pursuant to the Township's Building Code.

- (5) Judgment is **ENTERED** for Plaintiff Global Tower, LLC and against Defendants Hamilton Township and the Zoning Hearing Board of Hamilton Township with respect to all claims.
- (6) The Clerk of Court is directed to mark the case as **CLOSED**.

/s/ A. Richard Caputo
A. Richard Caputo
United States District Judge